THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26866 of 2006

Date: 27-12-2006

Between:

1. P.Satyanarayana Raju,
   s/o Appal Raju, aged 53 years,
   r/o 48-1-32/3, Srinagar Colony,
   Visakhapatnam and another.

… Petitioners.

And

The Commissioner,
Visakhapatnam Municipal Corporation,
Venneti Bhavan, Visakhapatnam.

… Respondent.

* * *

ORDER:

Sri N.Ranga Reddy, learned Standing Counsel takes notice on behalf of the respondent. Heard Sri Raja Gopalavan Tayi, learned counsel representing the writ petitioners.

2. The writ petition is filed for a writ of Mandamus declaring action of the respondent, his agents, officials or any person/s claiming through or under him in interfering with the construction activity of the petitioners over the schedule property land admeasuring 1376 square yards in survey No.13/1A1, situated at Gopalpatnam village, Visakhapatnam, as illegal and arbitrary and pass such other suitable orders.

3. It is stated that the writ petitioners filed W.P.No.15943 of 2006 and this Court by order dated 01st August 2006 disposed of the same

as hereunder.

> " The main grievance of the petitioners is that unless and until the respondent follows due process of law, such unauthorized interference is unwarranted. It is needless to say that when the respondent intends to initiate any action, the respondent is expected to follow the due process of law.
>
> In view of the same, the writ petition is disposed of with a direction not to resort to any demolition activity unless and until the respondent follows due process of law. No order as to costs."

4. It is now stated by the learned counsel for the petitioners that though there are no deviations and the petitioners are proceeding with construction in accordance with the approved plan, without issuing any notice and without following any procedure, the subordinates of the respondent are interfering with the construction activity.

5. It is needless to say that already specific direction had been issued in the prior writ petition in W.P.No.15943 of 2006. It is made clear that the respondent or subordinates of the respondent cannot interfere with the construction activity of the petitioners unless due process of law is followed. It is needless to say that the respondent is at liberty to initiate appropriate action if there are deviations from the approved plan.

6. Hence, in view of the same, the writ petition is disposed of with a direction to the respondent not to resort to any demolition activity or to interfere with the construction activity of the petitioners unless and until due process of law is followed in this regard.

7. The writ petition is disposed of accordingly. No order as to costs.

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P.S.NARAYANA, J.

Date: December 27, 2006.

Note:
Issue operative portion of the
Order by wire at party's costs.

//B.O.//

BSB